

House File 261 - Introduced

HOUSE FILE 261

BY PETTENGILL

A BILL FOR

1 An Act relating to open burning.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 100.40, subsections 1 and 3, Code 2013,
2 are amended to read as follows:

3 1. The state fire marshal, during periods of extremely
4 dry conditions ~~or under other conditions when the state fire~~
5 ~~marshal finds open burning constitutes a danger to life or~~
6 ~~property, may~~ shall prohibit open burning in an area of the
7 state at the request of the chief of a local fire department,
8 a city council ~~or~~, a board of supervisors ~~and when an~~
9 ~~investigation supports the need for the prohibition, or an~~
10 emergency management coordinator. The state fire marshal may
11 consult with other state or federal agencies to confirm the
12 conditions in the requested ban area. The state fire marshal
13 shall implement the prohibition by issuing a proclamation to
14 persons in the affected area. During periods of extremely dry
15 conditions, the state fire marshal may initiate an open-burning
16 prohibition in an area of the state without a request if the
17 state fire marshal determines open burning constitutes a danger
18 to life or property. The chief of a local fire department, the
19 city council ~~or~~, the board of supervisors that, or an emergency
20 management coordinator who requested the prohibition may
21 rescind the proclamation after notifying the state fire marshal
22 of the intent to do so, when the chief, city council ~~or~~, board
23 of supervisors, or emergency management coordinator finds that
24 the conditions responsible for the issuance of the proclamation
25 no longer exist.

26 3. A proclamation issued by the state fire marshal pursuant
27 to this section shall not prohibit a any of the following:

28 a. A supervised, controlled burn for which a permit has been
29 issued by the fire chief of the fire district where the burn
30 will take place.

31 b. the The use of manufactured portable outdoor fireplaces,
32 barbecue grills, properly fixed outdoor fireplaces, or patio
33 warmers when used in accordance with the manufacturer's
34 instructions and only when approved fuels are used such as
35 seasoned firewood, briquettes, or natural or propane gas.

1 c. Properly supervised landfills, ~~or the~~.

2 d. The burning of trash in incinerators or trash burners
3 made of metal, concrete, masonry, or heavy one-inch wire mesh,
4 with no openings greater than one square inch.

5 e. Burning where permitted by a city or county.

6 EXPLANATION

7 This bill relates to open burning.

8 Currently, the state fire marshal may prohibit open burning
9 during extremely dry conditions in an area of the state at the
10 request of a chief of a local fire department, a city council,
11 or a board of supervisors. The bill requires such requests
12 for open-burning prohibitions to be granted and also allows
13 emergency management coordinators to request open-burning
14 prohibitions. During extremely dry conditions, the state
15 fire marshal may issue open-burning prohibition proclamations
16 without the request of a local official.

17 Currently, certain types of burning are permitted when an
18 open-burning prohibition proclamation is issued. The bill adds
19 a permitted burning use to include the use of manufactured
20 portable outdoor fireplaces, barbecue grills, fixed outdoor
21 fireplaces, and patio warmers when used in accordance with
22 the manufacturer's instructions and only when approved fuels
23 are used such as seasoned firewood, briquettes, or natural
24 or propane gas. The bill also adds burning where burning is
25 permitted by a city or county.